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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/746,754

12/21/2000

Randall G. Smith

POLY 8

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7590

11/17/2005

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EXAMINER

BHAT, ADITYA S

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/746,754

Applicant(s)

SMITH ET AL.

Examiner

Aditya S. Bhat

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 41-53 is/are pending in the application.
- 4a) Of the above claim(s) 43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41, 42 and 44-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 41-42 and 44-53 are rejected under 35 U.S.C. 102(b) as being anticipated by the May 1998 Smart board product manual.

Regarding claim 41, (May 1998 Smart board product manual) discloses a calibration process for a whiteboard system comprising the steps of;

- (i) providing a whiteboard, (May 1998 Smart board product manual page 13)
- (ii) providing a computer (May 1998 Smart board product manual page 19)
- ii) providing a display device in communication with the computer, (1998 Smart board product manual page 18)
- (iv) initiating an calibration process (May 1998 Smart board product manual pages 27-28), and
- (v) performing the calibration of positions between the whiteboard and the computer the improvement comprising the step of initiating the calibration process at a location distant the computer. (May 1998 Smart board product manual pages 27-28)

Regarding claim 42, (May 1998 Smart board product manual) discloses the step of initiating the calibration process at a location distant the computer comprising

detecting a touch in proximity to the whiteboard at a predetermined location. (May 1998 Smart board product manual pages 27-28)

Regarding claim 44, (May1998 Smart board product manual) discloses, the touch in proximity to the whiteboard comprising the step of pushing a button. (May 1998 Smart board product manual pages 27-28)

Regarding claim 45, (May1998 Smart board product manual) discloses the step of initiating the calibration process at a location distant the computer comprising pushing a button of a remote control device.

Regarding claim 46, (May1998 Smart board product manual) discloses a calibration process for a whiteboard system comprising the steps of:

- (i) providing a whiteboard (May 1998 Smart board product manual page 13)
- (ii) providing a computer (May 1998 Smart board product manual page 19)
- (iii) providing a display device in communication with the computer, (1998 Smart board product manual page 18)
- (iv) initiating the calibration process, wherein the calibration process includes the step of projecting a image onto the whiteboard, (May 1998 Smart board product manual pages 27-28)
- (v) performing the calibration of positions between the whiteboard and the computer the improvement comprising the step of initiating the calibration process being a one step process, directly after which the step of projecting an image onto the whiteboard takes place, wherein the one step process of initiating calibration occurs at a location distant the computer. (May 1998 Smart board product manual pages 27-28)

Regarding claims 47 and 51, (May1998 Smart board product manual) discloses the step of initiating the calibration process at a location distant the computer comprising detecting a touch in proximity to the whiteboard at a predetermined location . (May 1998 Smart board product manual pages 27-28)

Regarding claims 48 and 52, (May1998 Smart board product manual) discloses the touch in proximity to the whiteboard comprising a push button (May 1998 Smart board product manual pages 27-28)

Regarding claims 49 and 53, (May1998 Smart board product manual) discloses initiating the calibration process at a location distant the computer comprising pushing a button of a remote control device. (May 1998 Smart board product manual pages 27-28)

Regarding claim 50, (May1998 Smart board product manual) discloses a calibration process for a whiteboard system comprising the steps of

- (i) providing a whiteboard (May 1998 Smart board product manual page 13)
- (ii) providing a computer (May 1998 Smart board product manual page 19)
- (iii) providing a display device in communication with the computer, (1998 Smart board product manual page 18)
- (iv) projecting a calibration image onto the whiteboard, , (1998 Smart board product manual page 28)

(V) detecting a touch at a point on the whiteboard corresponding to the projected calibration image onto the whiteboard directly preceded by a step of signaling the whiteboard directly preceded by a step of signaling the whiteboard system to project the

calibration image, the step of signaling the whiteboard system occurring at a location distant the computer. (May 1998 Smart board product manual pages 27-28)

***Response to Arguments***

2. Applicant's arguments filed 09/07/2005 have been fully considered but they are not persuasive.

Applicant is reminded that during patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

While the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

In this instance applicant argues that the prior art of record does not teach the calibration process is initiated distant the computer. Applicant goes on to argue that the prior teaches a five-step orientation process and only the fourth step can only be equated with the claimed inventions 'initiating calibration' step which occurs at the

computer. Applicant admits that the first step in the orientation process in the prior art occur distant the computer. However applicant argues that this cannot be equated to initiating a calibration process. Applicant highlights the point that step 1 is not the same as initiating a calibration process by way of example (turning on power to the system).

Examiner respectfully disagrees, the title of the section on page 27 is "to orient the SMART board". Therefore this section is specifically directed to orienting the smart board and more then merely turning on power and cannot be interpreted as such. It is within reasonable interpretation to conclude that the process of orienting/calibrating the smart board occurs at the first step. The dictionary meaning of initiate is "to cause or facilitate the beginning of". Since the orientation/calibration process is broken down into five steps the first step is interpreted as the beginning of that process. It should also be noted that the subsequent steps (2-5) require the previous step (1) therefore it is within reasonable interpretation to conclude that the calibration process begins at step one.

### ***Conclusion***

**3. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

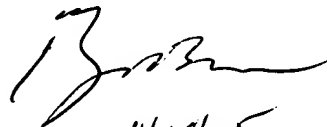
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S. Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aditya Bhat  
November 9, 2005

**BRYAN BUI**  
**PRIMARY EXAMINER**



11/14/05